IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 3445 of 2004

Between:

1 V.Srinivasa Rao, S/o.V.Bojjaiah
R/o. Kanamarlapudi Post, Savalyapuram Mandal,
Guntur.
2 M.Subba Rao son of M.Venkateswarlu R/o.Kotcharla post,

Ipur Mandal,Guntur district.
3 M. Devi Kumari, W/o. M. Subba Rao,
R/o. Kotcharla Post, Ipur Mandal,
Guntur.
4 P. Laxmi Narayana S/o. P. Venkata Subbaiah
R/o. Sannidhivari Veedhi, Behind Head Post Office,

Vinukonda, Guntur District.
5 R. Laxminarayana S/o. Veerabrahmam,
R/o. Kotcharla Post, Ipur Mandal,
Guntur.
6 T. Lakshminarayana S/o. Late Sambaiah,
R/o.Obulanaidupalem, Pothuru Post, Guntur Rural, Guntur

District.
7 V. Venkatasiva Rao S/o. V. Mukkanti,
R/o. Pedakakani Post and Mandal, Guntur District.
8 K.Srinivasa Rao son of Venkateswara Rao R/o. Mangalagiri,

Mangalagiri Mandal, Guntur District.
9 D.Biksha Rao S/o. D. Satyanarayana,
R/o. Yerrabalem Post, Mangalagiri Mandal, Guntur District.
10 A. Venkataramachari S/o. A.V.Bhavachari,
R/o. D.No. 7-9-160/8, Vasantharayapuram, Behind M.B.R.

School, Guntur, Guntur District.

..... PETITIONERS

AND

1. The Government of Andhra Pradesh, Home Department, rep.,by its Secretary, Secretariat, Hyderabad.

2. Vijeta Agro Farms [India]Limited, having its Office at Vijeta Complex, Sivalayam Street, Kothapet,
Guntur rep., by its Chairman & Manging Director D.Krishna Murthy Gupta.

3. D.Krishna Murthy Gupta, S/o. Narayana Gupta,
Vijeta Group of Companies, R/o. Opp:Vishnu Apartments, Krishna Nagar, Guntur, Guntur District.

4. The District Collector, Guntur, Guntur District.

5. The Superintendent of Police, Guntur, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more particularly one in the nature of Writ of Mandamus directing the 1st respondent to initiate proceedings under Act 17/99 namely " A.P. Protection of Depositors of Financial Establishments Act, 1999" more particularly under Section 3,4,6 and 7 of the Act 17/99 against the 2nd and 3rd respondents, more particularly by attaching their assets and properties, by declaring the inaction on the part of the 1st respondent in taking steps on the said enactment is illegal, arbitrary and opposed to very objective of the Act 17/99.

Counsel for the Petitioners: M R.V.AJAYAKUMAR

Counsel for the Respondent No. 1,4 and 5: GP FOR HOME

WRIT PETITION NO : 3461 of 2004

Between:

1 T.V. Ramana Murthy S/o T. Jogi Raju
D. No. 5-8-16, S.B.I. Colony, Balabhavanam Kothapeta, Tuni,

East Godavari District
2 B. Gopalakrishna S/o B. Vittala Rao

M.P.H.S. Rowthulapudi (PO), sankhavaram Madnal, East

Godavari District
3 N. Ganga Bhavani W/o N.Yarrapatrudu
R/o B.B. Patnam Vilalge Latchireddipalem(PO), Via

Annavaram, East Godavari District
4 B. Nageswara Rao S/o China Appalaswamy
R/o B.B. Patnam Vilalge Latchireddipalem(PO), Via

Annavaram, East Godavari District
5 Ch.v. S. Narasimha Murthy S/o Yellapuraju
Cultivation, Via Annavaram, Sankavaram Mandal, East

Godavari District
6 Ch. Padmavathi W/o ch. V.S. Bhanumurthy
R/o Rowthulapudi (Village & PO), Sankavaram Mandal, East

Godavari District
7 Kosetty China Yarrayya S/o K. Nookayya
R/o Rowthulapudi (Village & PO), Sankavaram Mandal, East

Godavari District
8 P. Sambamurthy Devara S/o P. Satyalingam
Cultivation, D. No. 5-20-64, New Police Well, Near Anjaneya

Temple, Tuni,
East Godavari District
9 P. Parvathi Devi D/o P. Satyalingam
D. No. 5-20-64, New Police Well, Near Anjaneya Temple, Tuni,
East Godavari District
10 A. Tirupathi Rao, S/o A. Surya Rao (late),
B.C. Colony, Srungavruksham, Via Thondangi, East Godavari

District

..... PETITIONERS

AND

1. The Government of Andhra Pradesh, Home Department rep by Secretary, Secretariat, Hyderabad

2. Vijeta Agro Farms (India) Limited having its Office at Vijeta Complex Sivalayam Street, Kothapet,
Guntur D. Krishna Murthy Gupta

3. D. Krishna Murthy Gupta S/o Narayana Gupta
Chairman & Managing Director, Vijeta Group of

Companies
R/o Opp Vishnu Apartments, Krishna Nagar Guntur, Guntur

District
4 The District Collector, Kakinada, East Godavari District

5 The Superintendent of Police, Kakinada, East Godavari

District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction, more particularly one in the nature of Writ of Mandamus directing the 1st respondent to initiate proceedings under Act 17/1999 namely "A.P. protection of Depositors of Financial Establishments Act, 1999" More particularly under Sec. 3, 4, 6, and 7 of the Act 17/1999 against the 2nd and 3rd respondents, more particularly by attaching their assets and properties, by declaring the inaction on the part of the 1st respondent in taking steps on the said enactment is illegal arbitrary and opposed to very objective of the Act 17/1999

Counsel for the Petitioner:MR.V.AJAYAKUMAR

Counsel for the Respondent Nos.1,4 and 5: GP FOR HOME

WRIT PETITION NO : 3462 of 2004

Between:

1 Mallu Bhaskar, S/o. M. Jayaramaiah,
R/o. Kanchnaputtoor [v], Gajulapallur [po] B.N. Kandriga

Mandal, Chittoor District.

2 M. Dhananjayulu, S/o. Munaswamy,
D.No.1-6-743/A1, Indshira Nagar, Prakasam Road, Tirupathi,

Chittoor District.

3 Karamalapatti Jayasankar S/o. K.V.Rathna,
63-Balajinagar, Tirumala, Tirupathi, Chittoor District.

4 P. Ramesh, S/o. P. Chandra Sekhar Reddy,
Door No.23, Obanapalli [v], Pantrampalli [po],
Chittoor District.

5 K. Murugan, S/o. K. Subbanaidu,
1-57-A, Ramnagar Colony, Ramakuppam Mandal,
Chittoor District.

6 K. Rathnachari, S/o. K. Ramachari,
Diguvamagham [village & PO] Thavanampalli mandal,
Chittoor District.

7 M.S. Munikrishnan, S/o. M. Srinivasan,
D.No. 22-1018, Muraganapalle, C.K.Palle[b], Chittoor,
Chittoor District.

8 D.Reddamma, w/o. J. Nagaiah,
D.No. 2-980-2, Chinna Reddy Street, Piler [PO & MANDAL],
Chittoor District.

9 Y.Yuvaraj, S/o. M. Yelumalai,
9-233, Gurappa Naidu Street,
Chittoor District.

10 M. Tripura, D/o. M.S.Munikrishnan,
D.No. 22-1016, Muraganapalle, Chittoor,
Chittoor District.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, Home Department rep., by its Secretary, Secretariat, Hyderabad.
2 Vijeta Agro Farms [India]Limited, having its office at Vijeta Complex, Sivalayam Street,
Kothapet, Guntur rep., by its Chairman and Managing Director, D. Krishna Murthy Gupta.
3 D.Krishna Murthy Gupta, S/o. Narayana Gupta,
Vijeta Group of Companies, R/o.Opp. Vishnu Apartments, Krishnanagar,
Guntur, Guntur District.
4 The District Collector, Chittoor, Chittoor District.
5 The Superintendent of Police, Chittoor, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more particularly one in the nature of writ of mandamus directing the 1st respondent to initiate proceedings under Act 17/99 namely "A.P. Protection of Depositors of Financial Establishments Act, 1999" more particularly under Section 3,4,6 and 7 of the Act 17/99 against the 2nd and 3rd respondents, more particularly by attaching their assets and properties, by declaring the inaction on the part of the 1st respondent in taking steps on the said enactment is illegal, arbitrary and opposed to very objective of the Act 17 of 1999.

Counsel for the Petitioners: MR.A.SATYA PRASAD

Counsel for the Respondent Nos.1,4 and 5.: GP FOR HOME

WRIT PETITION NO : 3463 of 2004

Between:

1 G.Laxmi, D/o.G.Kesava Rao (Late),
R/o.D.No.27-3-8, Dykes Tank Road, Visakhapatnam,

Visakhapatnam District.
2 G.Narasimha Murthy, S/o.G.Chalamaiah,
R/o.D.No.58-22-58, Susarla Colony, Gopalapatnam, Visakhapatnam District.
3 G.Rama, S/o. G.Nagaiah Setty,
R/o.Valimerkajuttada (Village & Post), Pendurthy Mandal, Visakhapatnam District.
4 Kolla Venkata Rama Mohan Rao, S/o.K.Satyanarayana,
R/o.Plot No.46, Pragathi Nagar, Pendurthy (PO & Mandal), Visakhapatnam

District.

5 V.Ammatalli Naidu, S/o.Suryanarayana,
R/o.K.J.Puram Post, Madugula Mandal, Visakhapatnam District.

6 M.Kannaiah, S/o. Bheema Swamy,
R/o.Nayanammapalem (Vill), Tekkalipalem PO, Sabbavaaram Mandal, Visakhapatnam District.

7 P.Vijaya, W/o. Satya Rao,
R/o.Kunchangi (Vill & Post), Anakapalli Mandal, Visakhapatnam District.

8 T.Venkata Narayana, S/o. Chinnaiah,
R/o.Kondapeta, Near Z.P.High School, Chittivalasa, Visakhapatnam District.

9 B.Somunaidu, S/o. B.Pydikonda,
R/o.Swayambuvaram (Vil), Kalapaka (PO), Parawada Mandal, Visakhapatnam District.

10 M.Satyanarayana, S/o. Chandraiah,
T.Arjapuram Post, Kothakota (via), Visakhapatnam District.

11 Nakka Ramana Babu, S/o. N.Appa Rao,
R/o.Lothugadda Junction (PO), Chinthapalli Mandal, Visakhapatnam District.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, Home Department, rep. by its Secretary, Secretariat, Hyderabad.

2 Vijeta Agro Farms (India) Limited, having its office at Vijeta Complex, Sivalayam Street, Kothapet, Guntur,
rep. by its Chairman & Managing Director, D.Krishna Murthy Gupta.

3 D.Krishna Murthy Gupta, S/o. Narayana Gupta,
R/o.Opp.Vishnu Apartments, Krishna Nagar, Guntur, Guntur District.

4 The District Collector, Visakhapatnam, Visakhapatnam Dist.

5 The Superintendent of Police, Visakhapatnam, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more particularly one in the nature of Writ of Mandamus directing the 1st respondent to initiate proceedings under Act 17/1999 namely "A.P.Protection of Depositors of Financial Establishments Act, 1999" more particularly under Sec. 3, 4, 6 and 7 of the Act 17/1999 against the 2nd and 3rd respondents, more particularly by attaching their assets and properties, by declaring the inaction on the part of the 1st respondent in taking steps on the said enactment is illegal, arbitrary and opposed to very objective of the Act 17/1999.

Counsel for the Petitioners: MR.V.AJAYAKUMAR

Counsel for the Respondent Nos 1,4 and 5.: GP FOR HOME

WRIT PETITION NO : 3464 of 2004

Between:

1 Murari Setti Mallikarjuna Rao, s/o Gurunadam,
R/o Damavaripalem, Addanki (PO & Mandal), Prakasam District.
2 Vandavasi Srinivasa Rao, s/o V. Venkateswarlu,
R/o Vemparala (PO), Addanki Mandal, Prakasam District
3 Bellam Subba Rao, S/o Venkatappaiah,
R/o Thimmanapalem (PO), Korsepadu Mandal, Prakasam District.
4 Mandalapu Lakshmi Narayana, S/o M. Siddaiah,
R/o Sankarapuram (PO), Mullamuru Mandal, Prakasam District.
5 Palaparthi Raghava, S/o P. Devadasu,
R/o Thakkellapadu (PO), J. Panguluru Mandal,
Prakasam District.
6 Kopparthi Nageswara Rao, S/o K. Chenchu Ramaiah,
R/o Uppugunduru (PO), Nagulpulapadu Mandal, Prakasam District.
7 N.V.B. Purna Chandra Rao, s/o N.V. Narayana Rao,
R/o Addanki (PO & Mandal), Prakasam District.
8 Vemulapati Venkateswarlu, S/o V. Kasireddy,
R/o Ramayapalem, Thimmayapalem (PO), Addanki Mandal, Prakasam District.
9 Adusumalli Srinivasa Rao, S/o Venkatesarlu,
R/o Thimmayapalem (PO), Addanki Mandal, Prakasam District.
10 Madiraju Ramaseethamma, w/o Lakshminarasimharao,
Near Old Post Office, Addanki, Addanki Mandal, Prakasam District.
11 Ramachandruni Ramakrishna Murthy, S/o Hanumantharao,
R/o Vennuru (PO), Via Upalapadu,
Prakasam District.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, Home Department, rep. by its Secretary, Secretariat, Hyderabad.
2 Vijeta Agro Farms (India) Limited having its office at Vijeta Complex, Sivalayam Street,
Kothapet, Guntur, rep. by its Chairman & Managing Director,
D. Krishna Murthy Gupta.
3 D.Krishna Murthy Gupta, S/o Narayana Gupta,
Vijeta Group of Companies, R/o Opp: Vishnu Apartments, Krishna Nagar, Guntur,
Guntur District.
4 The District Collector, Ongole, Prakasam District.
5 The Superintendent of Police, Ongole, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more particularly one in the nature of Writ of Mandamus directing the 1st respondent to initiate proceedings under Act 17/1999 namely "A.P. Protection of Depositors of Financial Establishments Act, 1999" more particularly under Sec. 3,4 6 and 7 of the Act 17/1999 against the 2nd and 3rd respondents, more particularly by attaching their assets and properties, by declaring

the inaction on the part of the 1st respondent in taking steps on the said enactment is illegal, arbitrary and opposed to very objective of the Act 17/99

Counsel for the Petitioners: MR.V.AJAYAKUMAR

Counsel for the Respondent Nos.1,4 and5: GP FOR HOME

WRIT PETITION NO : 3491 of 2004

Between:

1 B.Ravi Kumar, S/o. Raja Rao,
R/o.D.No.12-8-3, Gunapalem, Srikakulam, Srikakulam District.
2 B.Mohan Rao, S/o.B.Jagannadham,
R/o.D.No.12-8-77/2, Laxminivas, Gunapalem Road, Srikakulam, Srikakulam District.
3 V.Sreenivasa Rao, S/o.Pydayya (Late),
R/o.LPonduru, Battala Street, Srikakulam District.
4 B.Tejeswara Rao, s/o.B.VarahaNarasimhulu,
R/o.Cheemalavasa(Vill & PO), Amadalavalasa (via), Srikakulam District.
5 E.Kanaka Ratnam, W/o.E.Nageswara Rao, Srikakulam District.
R/o.D.No.12-12-34, Gunapalem, Srikakulam, Srikakulam District.
6 B.Govinda Rao, S/o. Appa Rao,
R/o.Madapam (PO), Narasannapeta Mandal, Srikakulam District.
7 A.Ramanamma, D/o. Narasimhulu,
R/o.D.No.17-14-(1)-41, New Colony, Srikakulam, Srikakulam District.
8 B.Simmaiah, S/o.B.Sambayya,
R/o.L.N.Peta, Srikakulam, Srikakulam District.
9 N.Madhusudan Rao, S/o.N.Adinarayana,
R/o.Kittalapadu (Village), Via Hiramandalam, Srikakulam District.
10 Brundavan Panda, S/o. Padmanabha Panda,
R/o.Hiramandalam, Baraza Centre, Hiramandalam, Srikakulam District.
11 G.Krishna Rao, S/o.G.Annaji Rao,
R/o.Mangampeta Village, Devaravalasa (PO), Srikakulam District.

..... PETITIONERS

AND

1 The Govt. of A.P. Home Department
rep by its Secretary, Secretariat, Hyderabad.
2 Vijeta Agro Farms (India) Ltd. having its Office at Vijeta Complex

Sivalayam Street,

Kothapet, Guntur. rep by its Chairman & Managing Director
D. Krishna Murthy Gupta

3 D. Krishna Murthy Gupta, S/o. Narayana Gupta
Vijeta Group of Companies, R/o. Opp. Vishnu Apartments, Krishna Nagar, Guntur District.

4 The District Collector, Srikakulam District.

5 The Superintendent of Police, Srikakulam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more particularly one in the nature of Writ of Mandamus directing the 1st respondent to initiate proceedings under Act 17/1999 namely "A.P.Protection of Depositors of Financial Establishments Act, 1999" more particularly under Sec. 3, 4, 6 and 7 of the Act 17/1999 against the 2nd and 3rd respondents, more particularly by attaching their assets and properties, by declaring the inaction on the part of the 1st respondent in taking steps on the said enactment is illegal, arbitrary and opposed to very objective of the Act 17/1999.

Counsel for the Petitioners: MR.V.AJAYAKUMAR

Counsel for the Respondent Nos .1,4 and 5.: GP FOR HOME

COMMON ORDER

Heard both sides and at their request, these writ petitions are taken up for disposal.

The only grievance of the petitioners, who are depositors, is to initiate proceedings against the second respondent herein, in pursuance of the A.P. Protection of Depositors of Financial Establishments Act,1999 and take action accordingly.

The learned Government pleader appearing on behalf of the Respondent Nos.1,4 and 5 submitted that infact proceedings have already been initiated and investigation is still on.

Having regard to the above submission of the learned Government Pleader and also perusal of the material on record, it is not necessary to go into the merits of the case. However, it is suffice in the interest of justice, to direct the fifth respondent to complete the entire process of investigation and file charge sheet within four (4) months from the date of receipt of a copy of this Order.

With the above said observation, these writ petitions are disposed of. No costs.

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28th JULY 2004

*TSNR

TO

1 The Secretary,Govt. of A.P. Home Department
Secretariat, Hyderabad.

2 **The District Collectors,**

Srikakulam,Prakasam District at

Ongole,Visakhapatnam,Kakinada,Guntur,and Chittoor Districts

respectively.

3 **The Superintendents of Police**,

Srikakulam, Prakasam District at Ongole,

Visakhapatnam, Kakinada, Guntur and Chittor

Districts respectively.

4. The Chairman and Managing Director, Vijeta Agro Farms (India) Limited, Vijeta Complex, S8ivalayam Street, Guntur

5. Two CCs to G.P for Home, High Court of A.P(OUT)

6. Two C.D.Copies

THE HONOURABLE SRI JUSTICE B.PRAKASH RAO

COMMON ORDER

IN

W.P.NOS.3491,3461,3462,3463,3464 & 3445 OF 2004

28TH JULY 2004

***TSNR**